IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA No.247 of 2006 and
CWP NO.3436 of 2005

DATE OF DECISION: December 15, 2006

Jag Ram

….Petitioner

VERSUS

Haryana Bijli Vitran Nigam Limited

….
Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri N.S.Shekhawat, Advocate for the applicant.
Shri Narender Hooda, Advocate for the non-applicant.
Shri R.S.Sangwan, Advocate for the writ petitioner.

Viney Mittal,J.(Oral).

RA No.247 of 2006

After hearing the learned counsel for the parties and taking into consideration the averments made in the review application, we recall the order dated May 12, 2006 passed by us and restore the writ petition to its original number.

CWP NO.3436 of 2005

The grievance made by the petitioner (since deceased - now represented by the legal representatives) is that the transformer in question was installed by the then Haryana State Electricity Board and the costs thereof was fully borne by the petitioner. Later on,

respondent No.6 has also been released the electricity connection from

the aforesaid transformer. In this view of the matter, the petitioner claims that he is entitled to half of the costs of the transformer which had been incurred by him.

The respondents No.1 to 5 have filed written statement and have stated that the policy had been amended by the Haryana Bijli Vitran Nigam Limited and thereafter under the amended policy, the aforesaid connection had already been released to respondent No.6. The aforesaid respondents have further maintained that a show cause notice was given to the petitioner to file objections, but he did not raise any such objections.

During the course of arguments, the learned counsel for the parties have jointly stated that the present writ petition be disposed of with a direction to the Superintending Engineer, Dakshin Haryana Bijli Vitran Nigam Ltd., respondent No.3 to decide the inter-se dispute between the petitioner and respondent No.6 with regard to the apportionment of the charges.

In view of the aforesaid agreement between the learned counsel for the parties, we dispose of the present petition and direct Superintending Engineer, DHBVNL, Bhiwani, respondent No.3 to adjudicate the dispute between the petitioner and respondent No.6 with regard to apportionment of costs initially incurred by the petitioner.

The parties through their learned counsel have been directed to appear before SE, DHBVNL, Bhiwani, respondent No.3 on February 5, 2007 at 10.00 a.m.

The petitioner as well as respondent No.6 would be at liberty to file their written submissions before respondent No.3. Thereafter, respondent No.3 shall adjudicate the respective claims of the parties and further take into consideration the said written submissions and also keeping in view the policy of the Nigam, respondent No.3 shall take a final decision thereupon, within a period of four months after the appearance of the parties, by passing a detailed and speaking order and take such further appropriate action, as may be required in accordance with law.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

December 15, 2006
KD

(H.S. Bhalla)
Judge